

**PRO SE MODIFICATION
OF CHILD SUPPORT PACKET**

Drafted: March 1, 2002

INSTRUCTIONS FOR PRO SE MODIFICATION FORMS

1. Motion and Affidavit to Proceed in Forma Pauperis

- (1) WRITE THE NAME OF COUNTY YOU ARE FILING ACTION IN. YOU SHOULD FILE IN THE COUNTY WHERE THE CHILD SUPPORT ORDER WAS ESTABLISHED.
- (2) WRITE THE NUMBER OF THE CIRCUIT. FOR EXAMPLE:
CHARLESTON IS THE NINTH JUDICIAL CIRCUIT
 - CALL LOCAL FAMILY COURT TO ASK CIRCUIT NUMBER IF NOT KNOWN
- (3) THE CLERK WILL WRITE THE CASE NUMBER IN THESE BLANKS WHEN THE PAPERS ARE FILED.
- (4) THE FATHER IS THE PLAINTIFF
- (5) THE MOTHER IS THE DEFENDANT
- (6) YOUR COMPLETE NAME
- (7) IN THE PRESENCE OF A NOTARY HANDWRITE YOUR FULL NAME

2. Summons

- (1) – (5) IDENTICAL TO THE INFORMATION ABOVE
- (6) THE CITY WHERE YOU ARE FILING
- (7) THE DATE YOU SIGNED THE SUMMONS
- (8) YOUR FULL NAME (HANDWRITTEN)
- (9) YOUR COMPLETE MAILING ADDRESS
(No PO Boxes, must be street address)

3. Complaint for Decrease

- (1) – (5) IDENTICAL TO ABOVE
- (6) WRITE THE CITY AND COUNTY YOU LIVE IN
- (7) WRITE THE CITY AND COUNTY THE DEFENDANT LIVES IN
- (8) WRITE THE FULL DATE OF YOUR LAST CHILD SUPPORT ORDER
- (9) WRITE THE AMOUNT YOU CURRENTLY PAY FPR ON-GOING CHILD SUPPORT (DO NOT INCLUDE ANY ARREARAGE PAYMENT)
- (10) WRITE HOW OFTEN YOU WERE ORDERED TO PAY THIS AMOUNT,

WEEKLY, MONTHLY ETC

(11) LIST THE CHANGE IN CIRCUMSTANCE THAT APPLIES TO YOU

(12) WRITE THE CITY WHERE YOU ARE FILING

(13) WRITE THE DATE YOU SIGNED THE COMPLAINT

(14) YOUR FULL NAME (HANDWRITTEN)

(15) DEFENDANT COMPLETE MAILING ADDRESS

(No Post Offices – must be street address)

(16) PLAINTIFF'S COMPLETE MAILING ADDRESS

4. Verification (Must sign in the presence of a Notary)

(1) THE COUNTY WHERE YOU ARE FILING

(2) YOUR PRINTED FULL NAME

(3) YOUR HANDWRITTEN FULL NAME

5. Financial Declaration

Attached is a sample of a financial declaration form along with instructions for filling out the same. Additional financial declaration forms are readily available at the Family Court in the County where the Father resides. This form should definitely be filled out with the assistance of a fatherhood practitioner.

***ONCE THE FORMS ABOVE ARE COMPLETED - YOU ARE READY TO FILE**

- BRING TWO COPIES OF YOUR COMPLETED FORMS IN THE ORDER LISTED, ALONG WITH THE ORIGINAL TO FAMILY COURT
- MAKE SURE ALL THREE COPIES ARE ASSIGNED THE SAME CASE NUMBER AND ARE "CLOCKED" INTO THE COURT (STAMPED BY CLERK THE TIME AND DATE RECEIVED)
- THE ORIGINAL FORMS WILL BE FILED AT THE COURT BY THE CLERK
ONE COPY IS FOR THE DEFENDANT
ONE COPY IS FOR YOU
- IF FILING A MOTION TO PROCEED IN FORMA PAUPERIS, THE CHIEF ADMINISTRATIVE JUDGE IN YOUR COUNTY WILL REVIEW YOUR MOTION AND YOUR FINANCIAL DECLARATION AND MAKE A DETERMINATION IF YOU SHOULD BE ALLOWED TO PROCEED IN FORMA PAUPERIS (WITH NO FILING FEES). YOU WILL BE ADVISED OF THE JUDGES DECISION BY THE COURT.

PROCEDURES: AFTER THE LEGAL PAPERWORK IS FILED

How do I serve my legal papers on the Defendant?

If your Motion to Proceed In Forma Pauperis is denied by the Judge, or you are able to pay your own filing fees and therefore chose not to file the Motion to Proceed In Forma Pauperis, you should know the several ways in which you can serve the legal papers on the Custodial Parent. Remember that you must serve the Summons, Complaint, Verification Form, and Financial Declaration on the Custodial Parent at least 30 days prior to any hearing on the case.

- The Sheriff's Department may be able to serve the papers on the custodial parent for a charge of approximately \$20.00. Ask your local clerk of the Family Court in your County if the Sheriff's Department can serve the papers for you and ask about the process to get the papers to the Sheriff's Department. Once the Sheriff's Department serves the papers, the deputy who served the paperwork will prepare an Affidavit attesting to the fact that the papers were served. **This original affidavit must be filed with the Clerk of Court so that it can be put into your Court file. Also, you should bring your copy of this affidavit with you to your first hearing. Please know that the Court cannot proceed without proof that the Custodial Parent was served.**
- A local process server (listed in yellow pages) can also serve the legal papers on the Custodial Parent. Process Servers are often faster and more efficient than the Sheriff's Department but they cost a good bit more (approximately \$50.00). Like the Sheriff's Department, the Process Server will also prepare an Affidavit of Service which shows the Court that the Defendant has been served. Once you receive the Affidavit of Service, immediately file it with the Court. Again keep a copy of this Affidavit for your court file and bring it to court with you.
- Finally, if the Defendant is out of State or you can not afford a Process Server, the only means to accomplish service may be by registered mail, return receipt requested (Green Card). This is an inexpensive way to accomplish service. However, please know that the Green Card must be signed by the Defendant to be valid service. Once you receive the Green Card back in the mail, File an Affidavit of Service, attaching the signed Green Card to this Affidavit. File this Affidavit along with the attached Green Card in the Court as soon as possible. Again, make a copy of your affidavit and Green Card and keep in your court file. **(Copy of Sample Affidavit of Service Attached)**

I have already filed the paperwork and served the Defendant and have still not received a hearing date from the Court, what do I do?

You must request the hearing from the court. Do not request a hearing date if the Defendant still is within her thirty (30) days required to answer your complaint.

As soon as thirty days (30) after service of the paperwork on the Defendant has elapsed, you should request a hearing from the Court.

In order to request a hearing, you must file a **Request for Hearing Form**. These forms are available at every local family court. Simply ask for a copy of this form when you go to the Family Court to request the hearing. Fill out the form completely. And file with the clerk.

****The clerk will notify both you and the Defendant of the upcoming hearing**

I have court tomorrow, what do I need to know?

- You should bring your entire court file which includes: the Legal Papers that were filed including your financial declaration, copies of any evidence that documents your particular change in circumstance, and the Affidavit of Service.
- Dress appropriately (no shorts), be polite, and be honest.
- Address the Judge as “Your Honor” and never speak out of turn or interrupt.
- General Rule: Only speak when the Judge asks you to speak

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
(1)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT
(2)
CASE NO: _____-DR-____-_____
(3)

_____,)
(4) PLAINTIFF,)
)
)
VS.)
)
_____,)
(5) DEFENDANT.)

**PLAINTIFF'S MOTION AND
AFFIDAVIT TO PROCEED
IN FORMA PAUPERIS**

I, (6) _____, being duly sworn state that I am
the Plaintiff in the above entitled matter and that I do not have the funds available to pay
the costs of filing the action and for the service in this matter. I hereby request that the
Complaint be filed and service made without costs.

SWORN to and subscribed before me, this)
_____ day of _____, 200_)

Notary Public for the State of South Carolina

(7) PLAINTIFF

My Commission Expires: _____

ORDER

Leave Granted / Denied to proceed in forma pauperis.

_____, SC

_____, 200_.

PRESIDING JUDGE

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
(1)

IN THE FAMILY COURT)
_____ JUDICIAL CIRCUIT)
(2)
CASE NO: _____-DR-____-_____)
(3)

_____,)
(4) PLAINTIFF,)
)
)
VS.)
)
_____,)
(5) DEFENDANT.)

SUMMONS

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is hereby served upon you, and to serve a copy of your Answer to this Complaint upon the subscriber, at the address shown below, within thirty days (30) after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

(6) _____, S.C.

(8) _____
PLAINTIFF

(7) _____.

(9)Address of Plaintiff:

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
(1)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT
(2)
CASE NO: _____-DR-____-_____
(3)

_____,)
(4) PLAINTIFF,)
)
VS.)
)
_____,)
(5) DEFENDANT.)

COMPLAINT FOR DECREASE

1. Plaintiff is a resident of (6)_____
2. Defendant is a resident of (7)_____
3. Plaintiff is currently under an order to pay child support pursuant to an Order dated, (8)_____, in the amount of \$ (9)_____.00 + court costs per (10)_____. (Copy of Current Child Support Order Attached).
4. Plaintiff is informed and believes that he has a significant change in circumstance that warrants a downward modification to his current Order to pay child support.
5. The significant change in circumstance is as follows: (11) _____

WHEREFORE, the Plaintiff respectfully prays that the Court will grant the modification request and award such other relief as the Court deems just and proper.

Dated: _____

Defendant's Address (15):

PLAINTIFF
Plaintiff's Address (16):

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
(1)

VERIFICATION

(2) _____, being duly sworn deposes and says that he is the Plaintiff herein and has read the foregoing **Complaint for Decrease** and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein alleged on information and belief; and to those matters he believes them to be true.

SWORN to and subscribed before me, this)
_____ day of _____, 200_)

Notary Public for the State of South Carolina

(3) PLAINTIFF

My Commission Expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
(1)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT
(2)
CASE NO: _____-DR-____-_____
(3)

_____,)
(4) PLAINTIFF,)
)
VS.)
)
_____,)
(5) DEFENDANT.)

AFFIDAVIT OF SERVICE

PERSONALLY APPEARED BEFORE ME, _____,
a person over the age of 18 years of age, who being duly sworn deposes and says that
he/she mailed a certified Copy of the Summons and Complaint, by registered mail return
receipt requested on _____ to the Defendant's last known address.
That the Defendant acknowledged receipt of the said Summons and Complaint by
personally signing the Receipt Card on _____. The original Receipt Card
was returned and is attached to this affidavit.

Sworn to and subscribed before me this
_____ day of _____, 200_.

AFFIANT

Notary Public for the State of South Carolina
My Commission Expires: _____ 200_.